

Chiccine, Catherine

From: Chiccine, Catherine
Sent: Friday, October 14, 2022 3:20 PM
To: Knowles, Susan B
Subject: EPA letter to St. Charles
Attachments: Letter to St. Charles MO regarding Findett.pdf

Susan,

Please see the attached, which was sent to the City of St. Charles today.

Cathie Chiccine | Attorney-Advisor

United States Environmental Protection Agency, Region 7

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chiccine.catherine@epa.gov



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

VIA EMAIL

Erica M. Spitzig
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Cincinnati, Ohio 45202
espitzig@taftlaw.com

RE: Findett Superfund Site, Operable Unit 4 (MOD006333975)
St. Charles, St. Charles County, Missouri

Dear Ms. Spitzig:

Thank you for your September 27, 2022, letter to the U.S. Environmental Protection Agency regarding Operable Unit 4 (OU4) of the Findett Corporation Superfund Site (Site). We recognize and appreciate the city of St. Charles' (City) concerns about protecting its municipal wells and drinking water supply for its citizens.

City Well Contamination

After years of data indicating a decreasing plume at OU4, volatile organic compound (VOC) concentrations in PZ-11 and CW-6 increased without explanation in December 2021. Since January 2022, Union Electric Company d/b/a Ameren Missouri (Ameren) has been performing biweekly sampling of PZ-11 and CW-6 to monitor any increasing trends or potential threats to the City's water supply. This sampling has not indicated the presence of VOCs in CW-6 above the maximum contaminant level (MCL) and has not shown an increasing trend during 2022. However, the biweekly sampling has shown that concentrations in PZ-11 increased again between August 22 and September 1, 2022.

To identify the source of the contamination and thus properly address it, in February 2022, the EPA began working with Ameren to perform direct push technology (DPT) to determine the source, rate, and extent of the contaminant plume. However, on April 8, 2022, the City denied Ameren access to perform characterization on its property on the grounds that the City wanted a more detailed scope of work, specifically with regard to the use of DPT. In your September 27, 2022, letter, you state that the use of DPT is not the correct screening method. Instead, you suggested the installation of more monitoring wells; however, DPT characterization is warranted as a widely accepted standard industry practice to ascertain the source and potential pathway of contaminant migration before determining if and where any new monitoring wells should be located.

The EPA is committed to ensuring that an adequate response is performed regarding recent detections in PZ-11 and CW-6. To address these issues, the EPA is prepared to conduct additional investigations this fall to attempt to identify the source of the contamination and determine why there was a change in Site conditions. This additional characterization work is critical in determining the next steps needed to address the increased contaminant concentrations in and around PZ-11 and CW-6. To that end, it is essential that the City provide access to EPA to conduct this necessary investigatory work. *See* CERCLA Section 104(e)(3), 42 U.S.C. 9604(e)(3), which describes EPA's access authorities.

Remedial Design/Remedial Action Consent Decree

Superfund settlements are governed by CERCLA Section 122, 42 U.S.C. § 9622, which requires the United States to lodge the proposed consent decree (CD) with the court and provide the public with an opportunity to comment before the court enters the CD as a final judgment. The United States considers all comments received during the public comment period and may withdraw or withhold its consent to the proposed judgment if the comments indicate that the CD is inappropriate, improper, or inadequate. *See* 42 U.S.C. § 9622(d)(2)(B).

In accordance with the above procedures, the CD is currently available for the City's review and comment. We welcome and encourage the City to provide its comments on the CD. The EPA, along with the Department of Justice, will fully consider and respond to the City's comments once the public comment period has closed.

The EPA is dedicated to the protection of human health and the environment. To that end, should the CD be finalized and entered by the court, the CD will require Ameren to implement the cleanup of the Site to the standards set forth in EPA's June 30, 2021, Record of Decision (ROD). The proposed CD contains various provisions the EPA and the Department of Justice may be able to use to require Ameren to perform additional response actions should City wells exceed MCLs or be anticipated to exceed MCLs in the future. Alternatively, depending upon further investigation into the source of the contamination, another enforcement action may be pursued.

Next Steps

The EPA is committed to continue discussing these issues or any remaining concerns, including the technical concerns set forth in your letter, with you. In addition, the Region has been in close contact with EPA Headquarters on the issues involved at this Site, and HQ representatives are willing to sit in on a meeting with the City if desired. Please contact the site attorney, Cathie Chiccine, at chiccine.catherine@epa.gov, or 913-551-7917, if you would like to set up a time to meet and discuss these issues. We look forward to discussing this matter with you.

Sincerely,

Robert D. Jurgens
Director
Superfund & Emergency Management Division

Cc: Janet McCabe, Deputy Administrator, EPA
Office of Site Remediation Enforcement, EPA
Office of General Counsel, EPA
Office of Wastewater Management, EPA
Office of International and Tribal Affairs, EPA
Department of Justice, Environment and Natural Resources Division, Environmental
Enforcement Section
Missouri Department of Natural Resources